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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,034	03/11/2004	Takashi Tadaki	8008-1051	4656
466	7590	12/27/2007	EXAMINER	
YOUNG & THOMPSON			NGUYEN, LUONG TRUNG	
745 SOUTH 23RD STREET				
2ND FLOOR			ART UNIT	PAPER NUMBER
ARLINGTON, VA 22202			2622	
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			12/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/797,034	TADAKI, TAKASHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	LUONG T. NGUYEN	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 02 August 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-10, 13 and 16-18 is/are rejected.
- 7) Claim(s) 11, 12, 14-15, 17-18 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-3 filed on 08/02/2007 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

2. Claims 4-6, 7-10, 13, 16 are objected to because of the following informalities:  
  
Claim 4 (line 10), claim 5 (line 5), "the camera module" should be changed to --the portable terminal camera device--.  
  
Claim 7 (lines 2-3), "the computer" should be changed to --a computer--.  
  
Claims 5-6 are objected as being dependent on claim 4.  
  
Claims 8-10, 13, 16 are objected as being dependent on claim 7.  
  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 5-6, 7-10, 13, 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 (lines 2-3), claim 6 (lines 2-3) both recite the limitation “the” in “the illuminance variable step”.

Claim 6 (line 5), recites the limitation “the” in “the image processing”.

Claim 7 (lines 11-12), claim 9 (line 4), both recite the limitation “the” in “the camera module”.

Claims 8-10, 13, 16 are rejected as being dependent on claim 7.

There are insufficient antecedent basis for these limitations in these claims.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Konishi (US 7,164,446).

Regarding claim 1, Konishi discloses a portable terminal device comprising:

a camera module (CCD 20, figure 1, column 4, lines 8-55);

a light module as an illumination function in shooting an image by the camera module (strobe 26, figure 1, column 5, lines 35-40);

an image control processing section for sending zoom control information of the camera module and carrying out image processing (CPU 10 sends control instruction to control zoom lens 22a, figure 1, column 4, lines 10-20);

an illuminance variable section for varying illuminance intensity output from the light module in accordance with a distance from the camera module to an object (strobe control circuit 25, figure 1; the amount of the strobe light irradiated from the strobe is indicated as guide number Gn and is determined in accordance with a distance d from the camera to the object by equation  $Gn = F \times d$ , where F denotes an f-stop value, column 5, line 5 - column 6, line 67).

Regarding claim 2, Konishi discloses wherein the illuminance variable section varies the illuminance intensity output for photography of the light module in accordance with a zoom ratio of the camera module (column 5, line 5 - column 6, line 67).

Regarding claim 3, Konishi discloses wherein the illuminance variable section varies the illuminance for photography of the light module in accordance with information on the image processing (column 5, line 5 - column 6, line 67).

Regarding claims 4-6, claims 4-6 are method of apparatus claims 1-3, respectively; therefore, see Examiner's comments regarding claims 1-3.

7. Claims 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Sakamoto et al. (US 2003/0137597).

Regarding claim 7, Sakamoto et al. discloses a computer-readable medium storing embodying a program of instructions executable by the computer to control the computer to function for varying light illuminance intensity output from a portable terminal device, the program making the computer carry out processing which varies illuminance intensity output from a camera light module in accordance with a distance from the camera module to an object (figure 1, paragraph [0017], [0043]- [0048]).

Regarding claim 8, Sakamoto et al. discloses wherein the program causes the computer to i) determine the distance between the camera module and the object (paragraph [0017], [0043]- [0048]); and ii) send the determined distance as distance information to an illuminance variable section (paragraph [0017], [0043]- [0048]).

Regarding claim 9, Sakamoto et al. discloses wherein the program causes the computer to vary the illuminance intensity output during photo exposure in accordance with a zoom ration of the camera module (paragraph [0017], [0043]- [0048], [0052], [0057]).

***Allowable Subject Matter***

8. Claims 11-12, 14-15; 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. Claims 10, 13, 16 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T. NGUYEN whose telephone number is (571) 272-7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DAVID L. OMETZ can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN  
12/21/07

*Luongheenah Nguyen*

**LUONG T. NGUYEN**  
**PATENT EXAMINER**